

**MINUTES OF THE COURT OF APPEAL
SECOND APPELLATE DISTRICT
STATE OF CALIFORNIA**

December 29, 1999

DIVISION ONE

B131263 People (Not for Publication)
v.
Armstrong

The judgment is affirmed.

Ortega, J.

We concur: Spencer, P.J.
Masterson, J.

B127285 People (Not for Publication)
v.
Taylor

The judgment is reversed. The matter is remanded for a new trial.

Ortega, J.

We concur: Spencer, P.J.
Vogel (Miriam A.), J.

B129642 People (Not for Publication)
v.
Chavez

The judgment is affirmed.

Ortega, Acting P.J.

We concur: Vogel (Miriam A.), J.
Masterson, J.

December 29, 1999-Continued

DIVISION ONE (Continued)

B127039 People (Not for Publication)
v.
Mickey

The judgment is affirmed.

Spencer, P.J.

We concur: Ortega, J.
Masterson, J.

B127468 People (Not for Publication)
v.
Swanigan

The judgment is affirmed.

Spencer, P.J.

We concur: Ortega, J.
Masterson, J.

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The judgment is affirmed.

Spencer, P.J.

We concur: Vogel (Miriam A.), J.
Masterson, J.

December 29, 1999-Continued

DIVISION ONE (Continued)

B124003 Zano (Not for Publication)
v.
Volvo Cars of North America, Inc.

The judgment is affirmed.

Spencer, P.J.

We concur: Ortega, J.
Vogel (Miriam A.), J.

B124408 Turner, Jr. (Not for Publication)
v.
County Of Los Angeles et al.

The judgment and order are affirmed

Spencer, P.J.

We concur: Vogel (Miriam A.), J.
Masterson, J.

B121863 People v. Camarena (Not for Publication)
B136468 In re Jose Casillas Camarena on Habeas Corpus

The judgment is reversed. The petition for writ of habeas corpus is denied.

Spencer, P.J.

We concur: Vogel (Miriam A.), J.
Masterson, J.

December 29, 1999-Continued

DIVISION ONE (Continued)

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The judgment and order awarding attorney's fees are affirmed.

Spencer, P.J.

We concur: Vogel (Miriam A.), J.
Masterson, J.

B130766 Los Angeles County, D.C.F.S. (Not for Publication)
v.
Mary G.

The order sustaining the supplemental petition is reversed insofar as it affects appellant, Mary G. The matter is remanded for a contested hearing in which DCFS must prove by a preponderance of admissible evidence that the factual allegations of the supplemental petition are true, and that the placement with appellant was not effective in protecting Raychal G. At the hearing on the supplemental petition, appellant shall be allowed to appear with a court-appointed attorney and to present evidence relevant to the issues framed by the petition. Appellant also shall be permitted to and cross-examine any witness on which DCFS relies to support the supplemental petition.

Given respondent's well-taken concession of prejudicial error, we invited the parties to waive oral argument and to stipulate to immediate issuance of the remittitur. They have waived oral argument and have stipulated to issuance of the remittitur forthwith. It is so ordered. (Cal. Rules of Court, rule 25(b).)

Spencer, P.J.

We concur: Ortega, J.
Masterson, J.

DIVISION TWO

B129875 Los Angeles County, D.C.F.S. (Not for Publication)
 v.
 Albert F.

The judgment is affirmed.

Nott, J.

We concur: Boren, P.J.
 Mallano, J. (Assigned)

B133659 Lisa C. (Not for Publication)
 v.
 Superior Court, Los Angeles County

The petition is denied, and the order to show cause is dismissed.

Boren, P.J.

We concur: Nott, J.
 Zebrowski, J. (Assigned)

B130739 People (Not for Publication)
 v.
 Ramirez

The Court:

The judgment is affirmed.

Boren, P.J., Nott, J., Cooper, J.

December 29, 1999-Continued

DIVISION TWO (Continued)

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The judgment is affirmed.

Cooper, J.

We concur: Boren, P.J.
Mallano, J. (Assigned)

[illegible]

The judgment is affirmed.

Boren, P.J.

We concur: Nott, J.
Zebrowski, J. (Assigned)

B133074 Evens et al. (Certified for Publication)
v.
Superior Court, Los Angeles County
(L.A. Unified School District, r.p.i.)

The petition for writ of mandate is denied. The temporary stay is vacated. Real parties to recover the costs of this petition.

Boren, P.J.

We concur: Nott, J.
Zebrowski, J. (Assigned)

DIVISION THREE

B121789 People (Not for Publication)
v.
Ruiz et al.

As to defendant Victor Mata Frias, the judgment is modified by awarding him 443 days of actual time served, for a total of 509 days of precommitment custody credit, and by imposing a suspended \$10,000 Penal Code section 1202.45 parole revocation restitution fine. The clerk of the superior court is ordered upon issuance of the remittitur to prepare a corrected abstract of judgment as set forth in this opinion and to forward it to the Department of Corrections. In all other respects, the judgment is affirmed.

As to defendant Amelia Mata Ruiz, the clerk of the superior court is ordered upon issuance of the remittitur to prepare a corrected abstract of judgment as set forth in this opinion and to forward it to the Department of Corrections. In all other respects, the judgment is affirmed.

Kitching, Acting P.J.

We concur: Aldrich, J.
Schneider, J. (Assigned)

DIVISION FOUR

B123097 Preach (Not for Publication)
v.
Monterainbow, Ltd., et al.

The judgment is affirmed. Respondent Preach is to have his costs of suit against Butcher.

Epstein, Acting P.J.

We concur: Hastings, J.
Curry, J.

DIVISION FOUR (Continued)

B126545 People (Not for Publication)
v.
Palmer

The order imposing a concurrent one-year term for the prior prison term enhancement is reversed, and the matter is remanded with directions either to strike the enhancement in compliance with section 1385 or to impose it consecutively. In all other respects, the judgment is affirmed.

Epstein, Acting P.J.

We concur: Hastings, J.
Curry, J.

B131889 People (Not for Publication)
v.
Kim

The judgment is affirmed.

Hastings, J.

We concur: Vogel (C.S.), P.J.
Dau, J. (Assigned)

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The judgment is affirmed.

Vogel (C.S.), P.J.

We concur: Epstein, J.
Curry, J.

December 29, 1999-Continued

DIVISION FOUR (Continued)

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The judgment is affirmed.

Curry, J.

We concur: Vogel (C.S.), P.J.
Hastings, J.

B132691 People (Not for Publication)
v.
Tynes

The judgment is affirmed.

Hastings, J.

We concur: Vogel (C.S.), P.J.
Epstein, J.

B125826 People v. Crayton (Certified for Partial Publication)
B136548 In re Timothy Crayton on Habeas Corpus

The abstract of judgment is ordered corrected to reflect a sentence of 25 years to life on count 2 for kidnapping for robbery, to reflect imposition of a \$10,000 restitution fine pursuant to section 1202.4, subdivision (b), and to include a \$10,000 parole revocation fine pursuant to section 1202.45, with such fine stayed unless parole is revoked. In all other respects, the judgment is affirmed. The petition for writ of habeas corpus is denied.

Epstein, Acting P.J.

We concur: Hastings, J.
Curry, J.

December 29, 1999-Continued

DIVISION FOUR (Continued)

B119774 People (Certified for Partial Publication)
v.
Valentine

The judgment is modified to include a parole revocation fine and the abstract of judgment is ordered corrected to reflect all fines imposed. In all other respects, the judgment is affirmed.

Epstein, Acting P.J.

We concur: Hastings, J.
Curry, J.

DIVISION SIX

B127165 Kuhnle & Sons, etc. (Not for Publication)
v.
Paquette et al.

The judgment is affirmed. Costs to respondent.

Abbe, J. (Assigned)

We concur: Gilbert, P.J.
Yegan, J.

B134369 People (Not for Publication)
v.
Putnam

The judgment is affirmed.

Yegan, J.

We concur: Gilbert, P.J.
 Coffee, J.

December 29, 1999-Continued

DIVISION SIX (Continued)

B134258 People v.
Cox

(Not for Publication)

The judgment is affirmed.

Yegan, J.

We concur: Gilbert, P.J.
Perren, J.

DIVISION SEVEN

B131079 Steele (Not for Publication)
v.
City of Los Angeles

The judgment is affirmed. City is entitled to costs on appeal.

Lillie, P.J.

We concur: Johnson, J.
 Woods, J.

B104684 Kroupa et al. (Not for Publication)
v.
Sunrise Ford et al.

The judgment is reversed and the cause remanded to the trial court for a determination of the amount of respondents' liability under the Vehicle Leasing Act. Kroupa to recover costs on appeal.

Lillie, P.J.

We concur: Johnson, J.
 Woods, J.

DIVISION SEVEN (Continued)

B132102 Los Angeles County, D.C.F.S (Not for Publication)
 v.
 Gilbert S.

The order is affirmed.

Lillie, P.J.

We concur: Johnson, J.
 Woods, J.

B129568 People (Not for Publication)
 v.
 Espinoza

The order is affirmed.

Lillie, P.J.

We concur: Woods, J.
 Neal, J.

B126869 People (Not for Publication)
 v.
 Vasquez

The judgment is affirmed.

Lillie, P.J.

We concur: Johnson, J.
 Woods, J.

December 29, 1999-Continued

DIVISION SEVEN (Continued)

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The order under review (order revoking probation) is affirmed.

Lillie, P.J.

We concur: Johnson, J.
 Neal, J.